

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYNOR ABDIEL TUN-COS, *et al.*)
Plaintiffs,)
v.)
B. PERROTTE, *et al.*,)
Defendants.)

)

Civil Action No. 1:17-cv-943

**DEFENDANTS' EMERGENT MOTION TO STAY PROCEEDINGS PENDING
DEFENDANTS' APPEAL OF THIS COURT'S APRIL 5, 2018 ORDER**

Defendants B. Perrotte, T. Osborne, D. Hun Yim, P. Manneh, and A. Nichols hereby respectfully move this Court to stay proceedings in the above-captioned action until the earlier of June 4, 2018, or the filing a notice of appeal with the Fourth Circuit seeking review of this Court's April 5, 2018 Order, in which the Court found that it is has subject-matter jurisdiction; that Plaintiffs have a damages remedy under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), for their Fourth and Fifth Amendment claims; and that Defendants are not entitled to qualified immunity on those claims. *See* Dkt. #50, April 5, 2018 Order, at 3. This motion is based on the accompanying memorandum. A proposed order is attached.

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DATED this 16th day of April, 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of this filing to:

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